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5 Special Claims Counsel for Chapter 7 Trustee,  
6 RICHARD A. MARSHACK

7 UNITED STATES BANKRUPTCY COURT  
8 CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

9 In re

10 FOUR STAR FINANCIAL SERVICES,  
11 LLC,

12 Debtor.  
13

Case No. 2:03-bk-37579-TD

Chapter 7

AMENDMENT TO CHAPTER 7 TRUSTEE'S  
NOTICE OF MOTION AND FIRST OMNIBUS  
MOTION FOR ORDER DISALLOWING  
AND/OR RE-CLASSIFYING SECURED  
INVESTOR CLAIMS RE:

Claim No. Claimaint

244 House Ear Clinic Profit Sharing  
252 Derald E. and Charlotte J.  
Brackmann

Date: November 4, 2009  
Time: 10:00 a.m.  
Ctrm: 1352  
Roybal Federal Building  
255 E. Temple Street  
Los Angeles, CA 90012

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22 TO THE HONORABLE THOMAS B. DONOVAN, UNITED STATES BANKRUPTCY  
23 JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL OTHER  
24 INTERESTED PARTIES:

25 On September 28, 2009, the Chapter 7 Trustee, Richard A. Marshack,  
26 ("Trustee"), of the bankruptcy estate ("Estate") of the Debtor, Four Star Financial Services, LLC  
27 ("Debtor"), filed the Trustee's First Omnibus Motion for Order Disallowing and/or Re-  
28 Classifying Alleged Secured Investor Claims (the "Motion").

1 Trustee hereby submits this amendment (“Amendment”) to the Motion as follows:

2 1. AMENDED OBJECTIONS

3 A. Claim Number 244 – House Ear Clinic Profit Sharing Plan, \$500,000.00,  
4 Exhibit “229”

5 On July 12, 2004, House Ear Clinic Profit Sharing Plan (“House”) filed a Proof of  
6 Claim in the amount of \$500,000.00 (the “House Claim”), which was docketed in this case as  
7 Claim No. 244. The House Claim asserts that it is a secured claim. A true and correct copy of  
8 the House Claim is attached to the Motion as Exhibit “244.”

9 In the Motion, Trustee objected to the House Claim on the grounds that it is not a  
10 secured claim and is, in fact, a general unsecured claim. The supporting documents attached to  
11 Claim No. 244 provide information related to an investment in the Debtor.

12 Additionally, Trustee objected to the amount of the House Claim requesting a  
13 reduction in the amount claimed to \$418,085.50 because of pre-petition payments to House.

14 After further review, Trustee is advised that House did not receive the pre-petition  
15 payments. As such, Trustee amends the objection to the House Claim.

16 Based on the foregoing, the Trustee respectfully requests that the House Claim be  
17 allowed as a general unsecured claim in the amount of \$500,000.00.

18 B. Claim Number 252 – Derald E. and Charlotte J. Brackmann, \$100,000.00,  
19 Exhibit “252”

20 On July 12 2004, Derald E. and Charlotte J. Brackmann (the “Brackmanns”) filed  
21 a Proof of Claim in the amount of \$100,000.00 (the “Brackmann Claim”), which was docketed  
22 in this case as Claim No. 252. The Brackmann Claim asserts that it is a secured claim. A true  
23 and correct copy of the Brackmann Claim is attached to the Motion as Exhibit “252.”

24 In the Motion, Trustee objected to the Brackmann Claim on the grounds that it is  
25 not a secured claim and is, in fact, a general unsecured claim. The supporting documents  
26 attached to Claim No. 252 provide information related to an investment in the Debtor.

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1                    Additionally, Trustee objected to the amount of the Brackmann Claim requesting  
2 a reduction in the amount claimed to \$80,498.49 because of pre-petition payments to the  
3 Brackmanns.

4                    After further review, Trustee is advised that the Brackmanns did not receive the  
5 pre-petition payments. As such, Trustee amends the objection to the Brackmann Claim.

6                    Based on the foregoing, the Trustee respectfully requests that the Brackmann  
7 Claim be allowed as a general unsecured claim in the amount of \$100,000.00.

8        2.        CONCLUSION

9                    For the foregoing reasons, the Trustee respectfully requests that the Court sustain  
10 the Amended Objections as set forth herein and for such other and further relief as is just.

11  
12 Dated: October 26, 2009

**MARSHACK HAYS LLP**

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14 By: /s/ D. Edward Hays  
15        D. EDWARD HAYS  
16        Special Claims Counsel for the Chapter 7 Trustee,  
17        Richard A. Marshack  
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In re: FOUR STAR FINANCIAL SERVICES, LLC, Debtor(s).	CHAPTER 7 CASE NUMBER 2:03-bk-37579-TD
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**NOTE:** When using this form to indicate service of a proposed order, DO NOT list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
5410 Trabuco Road, Suite 130, Irvine, CA 92620

The foregoing document described as **AMENDMENT TO CHAPTER 7 TRUSTEE'S NOTICE OF MOTION AND FIRST OMNIBUS MOTION FOR ORDER DISALLOWING AND/OR RE-CLASSIFYING SECURED INVESTOR CLAIMS** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **September 28, 2009**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

United States Trustee (LA) [ustpreion16.la.ecf@usdoj.gov](mailto:ustpreion16.la.ecf@usdoj.gov)  
Richard A Marshack [pkraus@marshackhays.com](mailto:pkraus@marshackhays.com), rmarshack@ecf.epiqsystems.com

\_ Service information continued on attached page

**II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL**(indicate method for each person or entity served):

On **October 27, 2009**, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

The Honorable Thomas B. Donovan – via U.S. Mail  
U.S. Bankruptcy Court, Suite 1352  
255 E. Temple Street  
Los Angeles, CA 90012-3332

☒ Service information continued on attached page

**III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on \_\_\_\_\_, 2009, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

\_ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

October 27, 2009	Layla Bergini	/s/ Layla Bergini
<i>Date</i>	<i>Type Name</i>	<i>Signature</i>

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California. January 2009	<b>F 9013-3.1</b>
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**II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL** – continued:

**SERVICE LIST**

<b><u>ATTORNEY FOR DEBTOR</u></b> ARTHUR A GREENBERG, ESQ 16000 VENTURA BLVD SUITE 1000 ENCINO, CA 91436	<b><u>CLAIMANT</u></b> HOUSE EAR CLINIC PROFIT SHARING TRUST 1708 MARENGO AVENUE SOUTH PASADENA, CA 91030	<b><u>CLAIMANT</u></b> DERALD E. & CHARLOTTE J. BRACKMANN 1708 MARENGO AVENUE SOUTH PASADENA, CA 91030